

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ARcare, Inc., an Arkansas Corporation,  
on behalf of itself and all others  
similarly situated

Plaintiff,

v.

Cynosure, Inc.

Defendant.

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**No. 1:16-cv-11547-DPW**

**JOINT REPORT ON MODIFICATION OF SETTLEMENT AGREEMENT**

Following the hearing on this matter on May 20, 2021, the parties have conferred and agreed to two modifications to the Settlement Agreement dated March 3, 2017.

**INJUNCTIVE RELIEF**

The parties have agreed to modify the settlement's injunctive relief to make the injunction last as long as the relevant provision of the Telephone Consumer Protection Act is in effect, rather than limited it to two years. In particular, the parties have agreed to change paragraph 44 of the Settlement Agreement to provide and to jointly request that the Court enter the following injunction as part of the Final Approval Order and Judgment:

Defendant is hereby enjoined from sending advertising faxes that do not comply with the Telephone Consumer Protection Act, 47 U.S.C. §§227 et seq., and any regulatory rulings promulgated thereunder by the Federal Communications Commission, for as long as that Act, and/or any such regulation or declaratory ruling is effective.

**RESIDUAL SETTLEMENT FUNDS**

The parties have agreed to modify the Settlement Agreement to remove any requirement for a cy pres distribution of residual funds. The parties have agreed to change paragraph 81 of the Settlement Agreement to read:

It is the parties' intention that the entire Settlement Fund Account will be distributed to valid claimants. Disbursements will continue to occur until the Settlement Fund Account is fully exhausted or the Court determines that the administrative cost of further disbursements exceeds the amount in the Settlement Fund Account.

Dated: July 16, 2021

Respectfully submitted,

/s/ Randall K. Pulliam

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**CERTIFICATE OF SERVICE**

I am an attorney of record in this case. I hereby certify that, on July 16, 2021, I caused a copy of the foregoing to be filed via the Court's ECF filing system, whereupon all counsel of record were served.

/s/ Randall K. Pulliam  
Attorney for Plaintiff